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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,130	11/25/2003	Robert Kronenberger	00130P0143US	6354

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
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SUITE 3800
CHICAGO, IL 60661

EXAMINER


TRAN, KHOI H

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/721,130	Applicant(s) KRONENBERGER, ROBERT	
	Examiner Khoi H Tran	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15, 16, 17, and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KHOI H. TRAN
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 21 rejected under 35 U.S.C. 102(e) as being anticipated by Tomassi 6,711,465.

Tomassi '465 discloses a system for dispensing articles to a consumer per claimed invention. The system comprises a vending machine at a first station (Figure 1). The vending machine comprises a first terminal for which a user identification related to an account can be directly input to process a user request for the dispensing of an article held within the vending machine. The dispensing system comprises a processing system to cause an article to be dispensed to a user at the first station in response to a user's inputting of a user's identification related to an account at the first

terminal (Figures 1-3). The first station comprises a sensor mechanism that allows a user's identification to be made through the detection of the user's retina, face, or voice.

3. Claims 1-7, 9, 10, 11, 15, 16, 17, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Leibniz et al. 6,772,048.

Leibniz '048 discloses a vending system per claimed invention. The system comprises plurality of vending machines wirelessly connected together. Each vending machine is capable of providing purchase credits or purchase account for a user based on monetary input via credit card or cash. The credits or account can also be provided in the form of numeric code or coupon/vend card. Said credits or user's account provides vending action to any one of plurality of vending machines from one of the vending machines or from a central processor (Figure 8). The vending machine provides credit to the customer's account if the vended product is less than the available credit provided by the user's account. Leibniz '048 system comprises a central processor located at a first location (Figure 8). The system comprises a first vending station "VM1" located at a second location remote (not connected) from the first location. The vending machine at the first terminal/second location comprises a first input terminal. Said first input terminal provides access to the vending machine via user's identification. The system further comprises a second vending station "VM2" located at a third location remote (not connected) from the first location. The vending machine at the second terminal/third location comprises a second input terminal. Said second input terminal provides access to the second vending station via user's identification. The system comprises a processing system for causing an article to be dispensed at either the first

and second vending stations in response to a user's input of a user's identification related to an account directly at the terminal at either the first or second vending stations. The central processor at the first location monitors and tracks all transactions at the first and second locations.

In regards to claims 7 and 9, the first vending station "VM1" of Leibu '048 system is capable of accepting cash, coin, or credit cards in order to establish a user account or adding additional funds to a user account (column 3, lines 61-66).

In regards to the method claims 16, 17, 19, and 20, usage of Leibu '048 system anticipates all claimed method steps.

4. Claims 1-5, 11, 15-17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima et al. 6,430,470.

Nakajima ' 470 discloses a vending system per claimed invention. The system provides vending of articles from plurality of vending stations via a portable device, i.e. cellular phone. The system comprises a central processor located at a first location (Figure 1). The system comprises a first vending station located 20 at a second location remote from the first location. The vending machine at the first terminal/second location comprises a first input terminal 21. Said first input terminal provides direct input to access the vending machine via user's identification from portable terminal 10. The system further comprises a second vending station (another vending machine 20) located at a third location remote from the first location. The vending machine at the second terminal/third location comprises a second input terminal 21. Said second input terminal provides direct input to access the second vending station via user's

identification from portable terminal 10. The system comprises a processing system for causing an article to be dispensed at either the first and second vending stations in response to a user's input of a user's identification related to an account directly at the terminal at either the first or second vending stations. The central processor at the first location monitors and tracks all transactions at the first and second locations.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leibu et al. 6,772,048 in view of Kolls 6,056,194 or in view of Tran et al. 5,440,108.

In regards to claim 8, Leibu '048 discloses all elements per claimed invention as explained in paragraph 3 above. However, it is silent as to the specifics of a commonly well known keypad for user's input.

Kolls '194 and Tran '108 disclose a vending system wherein keypad is provided for user's input into the system. Kolls '194 and Tran '108 show that input means via keypad is commonly well known within the art.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Leibu '048 first vending station with a keypad because it facilitates a well known user's input means for the vending system, as shown by Kolls and Tran.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leibur et al. 6,772,048 in view of Kolls 6,056,194 or in view of Tomassi 6,711,465.

Leibu '048 discloses all elements per claimed invention as explained in paragraph 3 above. However, it is silent as to the specifics of a biometric input device.

Tomassi '465, as discussed in paragraph 2 above, discloses the usage of a biometric device as a user's input means to authorize the dispensing of at least a restricted vend product.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Leibur '048 vending system with a biometric input means because it at least facilitates the vending of a restricted vend product to an authorized user, as taught by Tomassi '465.

Response to Arguments

8. Applicant's arguments with respect to claims 2-11, 15-17, and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's arguments filed 01/10/2005 have been fully considered but they are not persuasive. Applicant argued that Leibur et al. 6,772,048 does not anticipate the claimed invention because Leibur '048 does not disclose the coordinated operation of vending stations by a central processor that is remotely located from the stations. Applicant argued that the only logical way for Leibur '048 system to work would be for the vending machines to be coordinated at the same location. In addition, Applicant argued that a user is given "change" rather than having a running credit for any excess deposit. These arguments are not deemed to be persuasive. Leibur '048 does disclose

a remotely located central processor that coordinates operations of plurality of vending stations (see Figure 8). Leibu '048 vending system, as pointed out in the paragraph bridging columns 3 and 4, does not exclude the possibility that the plurality of vending stations can be remotely located from each other and from the central processor. The reading from said paragraph actually shows that a user account can be set up at a single station and said account can be subsequently used to purchase any products from any other vending machines at any other vending stations. The paragraph bridging columns 3 and 4 does not specifically dictate that plurality of Leibu '048 vending stations must be located at the same location as contemplated by Applicant. Leibu '048 vending system only deducts the necessary monetary amount from a user's account for the dispensing of a selected product. Left over or excess money amount will remain in the account. Column 4, line 20 does not explicitly show that excess "change" is being dispensed back for the user, as contemplated by Applicant.

Applicant argued that Nakajima et al. 6,430,470 provides a completely different means of operating a vending machine because Nakajima '470 allows the user to indirectly interact at the vending machine. For this reason the claimed invention is distinct over the Nakajima '470. However, applicant's claim language does not support the argument. The claim language does not bring out any structural or functional distinctions between the claimed invention and that of Nakajima '470. Nakajima '470, per paragraph 4 above, anticipates all claimed elements. As indicated in paragraph 4 above, Nakajima '470 utilizes a portable device to directly input a user's identification related to an account to a first terminal 21 at the first vending station 20.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (703) 308-1113. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Khoi H Tran', is positioned above the printed name.

Khoi H Tran
Primary Examiner
Art Unit 3651

KHT
03/10/2005